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*Attorneys for Plaintiffs The Wizard Trades, LLC and Michael Hubbs*

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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THE WIZARD TRADES, LLC, a Utah  
Limited Liability Company, and MICHAEL  
HUBBS, an individual,

Plaintiff,

vs.

CHARLTON LACHASE, an individual,  
ANDRA RUSH, an individual, STEVEN  
DUHON, an individual, and BRIAN  
HERTNEKY, and individual,

Defendants.

**MOTION FOR RECONSIDERATION  
ON CHARLTON LACHASE’S  
MOTION TO PROCEED IN FORMA  
PAUPERIS**

Case No. 2:23-cv-00207-DAO

Judge Daphne A. Oberg

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Plaintiffs, The Wizard Trades, LLC, and Michael Hubbs, hereby request that the Court reconsider its grant of Charlton Lachase’s Motion to Proceed In Forma Pauperis.

The Court granted Charlton Lachase’s motion as least in part based on the financial disclosures identifying Mr. Lachase’s income. Plaintiff’s counsel was not provided a copy by Mr. Lachase and did not receive a copy from the Court until May 11, 2023, after the order was granted.

After reviewing the disclosures filed by Mr. Lachase, Applicant believes that the order was granted due to misleading disclosures filed by Mr. Lachase. As shown in the accompanying

posts from Facebook, Mr. Lachase runs two businesses. On his Facebook page Mr. Lachase brags about his pallet recycling business and he advertises his pallets for sale on social media. (See Exhibit A). A video of his business may be found at

<https://www.facebook.com/charlton.lachase/videos/911175946928817>.

The declaration submitted by Mr. Lachase fails to identify any employment or self-employment income from his pallet business. Nor does it identify the assets which Mr. Lachase has associated with the business. In his advertisement, Mr. Lachase claims to have 1000 pallets which he sells for \$4.00-4.50. Thus, it is apparent that Mr. Lachase has not been truthful in his submission to the Court.

Additionally, Mr. Lachase also openly discusses his auto import business. *See*, <https://www.facebook.com/charlton.lachase/videos/566517395603554>. Copies of Facebook postings about his business are attached as Exhibit B. Ironically, the day after the Court granted Mr. Lachase's motion to proceed In Forma Pauperis, Mr. Lachase posted on his Facebook that he had purchased 3 vehicles from Japan that would be delivered on June 26, 2023. Not only is it concerning that Mr. Lachase failed to identify the income from his auto import business, it is difficult to see where Mr. Lachase is getting the money to purchase multiple vehicles based on his disclosures.

In light of Mr. Lachase's failure to accurately report his income and assets, the Court should rescind its order appointing counsel for Mr. Lachase. The owner of two businesses should be able to pay for his own counsel.

Respectfully submitted this 16<sup>th</sup> day of May, 2023.

BATEMAN IP

/s/Randall B. Bateman

Randall B. Bateman

*Attorneys for Plaintiffs The Wizard Trades, LLC  
and Michael Hubbs*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **MOTION FOR RECONSIDERATION ON CHARLTON LACHASE'S MOTION TO PROCEED IN FORMA PAUPERIS** was served on Defendants via First Class mail on May 16, 2023, as follows:

Steven Duhon  
(at the address of service identified in the executed Summons)

Brian Hertneky  
(at the address of service identified in the executed Summons)

Charlton Lachase  
(at the address of service identified in the executed Summons)

/s/Randall B. Bateman